

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

<b>In re:</b>	:	MDL Docket No. 4:03CV1507-WRW
	:	4:05CV00497
<b>PREMPRO PRODUCTS LIABILITY LITIGATION</b>	:	
	:	
	:	
<b>HELENE RUSH</b>	:	<b>PLAINTIFF</b>
	:	
<b>v.</b>	:	
	:	
<b>WYETH</b>	:	<b>DEFENDANT</b>

**ORDER**

A telephone conference was held on Friday, September 15, 2006 to discuss several issues in this case. Based on the findings of fact and conclusions of law made during the telephone conference, I rule as follows:

**1. SCHEDULE**

The following schedule has been adopted in this case:<sup>1</sup>

Sept. 19, 2006	Motions <i>in limine</i> must be filed.
Oct. 5, 2006	Parties must exchange objections to pretrial disclosures and short lists of exhibits.
Oct. 12, 2006	Oppositions to motions <i>in limine</i> , unresolved objections to pretrial disclosure sheets, and short lists of exhibits must be filed. The parties must submit to the Court their lists of proposed juror strikes for cause based on the questionnaires, <sup>2</sup> as well as their proposals for allocating 60 hours of trial time (12 days at 5 hours per day).

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<sup>1</sup>All pleadings, responses, disclosures, etc must be filed or exchanged by 5 p.m. (cst) on the deadline date, unless otherwise indicated.

<sup>2</sup>The juror questionnaires to be considered are those the Court received by September 18, 2006.

Oct. 24, 2006	Hearing -- commencing at 9 a.m. -- to discuss juror issues, motions <i>in limine</i> , and any remaining objections to admissibility of short list exhibits. After the hearing, the parties will exchange rebuttal exhibit lists.
Oct. 27, 2006	MDL Status Conference commences at 9 a.m.
Dec. 1, 2006	Having "met and conferred" the parties will begin jointly submitting, on a rolling basis, pared down deposition designations and objections requiring rulings and a list identifying the priority order for each side's deposition designations.
Jan. 22, 2007	Trial begins at 9 a.m.

## **2. DEPOSITION OF ROBERT ESSNER**

The September 20, 2006 deposition of Robert Essner is extended to thirty minutes and Mr. Weisbrod will be permitted to conduct the deposition in person rather than over the telephone.

## **3. SUBPOENAS OF ESSNER, DIETCH, AND DUROCHER**

Mr. Essner will not be required to appear in person at trial.

By 5 p.m., Tuesday, September 26, 2006, Plaintiff must submit a brief regarding whether this Court has authority to enforce a subpoena to a former Wyeth employee (Mr. Dietch). Defendant's response must be filed by 5 p.m., Friday, September 29, 2006.

By 5 p.m., Tuesday, September 26, 2006, Defendant must submit a brief regarding its position that Ms. Durocher is not an officer of Wyeth or Wyeth Pharmaceuticals Inc. Plaintiff's response must be filed by 5 p.m., Friday, September 29, 2006.

IT IS SO ORDERED this 19th day of September, 2006.

/s/ Wm. R. Wilson, Jr.  
UNITED STATES DISTRICT JUDGE